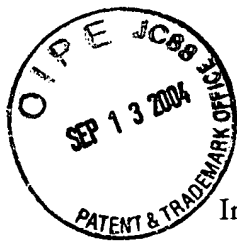


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Our File No. 11-9540-6520-0000-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : David Harris
Serial Number : 10/688,173
Filing Date : October 17, 2003
Title : Locking Fastener Assembly
Examiner : Flemming Saether
Art Unit : 3677

I hereby certify that this correspondence is being deposited with United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450, on September 9, 2004.

Dana Alden
Registration No. 46,475

Dana Alden

Date: 9.9.04

TO: Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

Dear Sir:

This amendment and response is responsive to the non-final office action dated June 9, 2004. Please enter the amendments and remarks as set forth below.

Claim 20 was objected to because, according to the Examiner, "am" should be changed to "an." Applicant has obviated this objection by way of the amendments to the claims and respectfully requests that the objection be withdrawn.

Claims 20 and 21 were rejected under 35 U.S.C. § 112 because, according to the Examiner, in claim 20, paragraph h), "somewhat:" is indefinite and in claim 21, paragraph c), "approximates" is also indefinite. Applicant has obviated these rejections by way of amendments to the claims and respectfully requests that these rejections be withdrawn.

Claims 18-24 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending Application No. 10/933,312. Applicant has obviated this rejection by the enclosed terminal

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disclaimer and accompanying fee transmittal. Applicant respectfully requests that this rejection be withdrawn.

Claim 22 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 889,593 to Fleischmann ("Fleischmann"). Claim 22 is identical to claim 5 in issued U.S. Patent No. 6,749,386, which was found to be allowable by the Examiner subsequent to its introduction into the present Application. Applicant maintains that claim 22 is not anticipated by Fleischman and respectfully requests that this rejection be withdrawn.

By way of the amendment to the claims, Applicant presents new claims 25 and 26. Enclosed herewith, please find a fee transmittal that authorizes the Patent Office to deduct the fees for an additional independent claim from our deposit account. Applicant submits that the subject matter of the present application is novel, non-obvious, and useful, and therefore respectfully request prompt consideration and allowance of the application.

Respectfully Submitted,

Dated: September 9, 2004

By: 

Dana Alden
(Reg. No. 46,475)

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